

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
WINSTON-SALEM DIVISION**

FEDERAL TRADE COMMISSION,  
STATE OF CALIFORNIA, STATE OF  
COLORADO, STATE OF ILLINOIS,  
STATE OF INDIANA, STATE OF IOWA,  
STATE OF MINNESOTA, STATE OF  
NEBRASKA, STATE OF OREGON,  
STATE OF TENNESSEE, STATE OF  
TEXAS, STATE OF WASHINGTON, and  
STATE OF WISCONSIN,

Plaintiffs,

v.

SYNGENTA CROP PROTECTION AG,  
SYNGENTA CORPORATION,  
SYNGENTA CROP PROTECTION, LLC,  
and CORTEVA, INC.,

Defendants.

Case No. 1:22-cv-00828-TDS-JEP

**PLAINTIFFS' SUGGESTION OF  
SUBSEQUENTLY DECIDED  
AUTHORITY**

Pursuant to Local Rule 7.3(i), Plaintiffs Federal Trade Commission and States of California, Colorado, Illinois, Indiana, Iowa, Minnesota, Nebraska, Oregon, Tennessee, Texas, Washington, and Wisconsin hereby submit a suggestion of subsequently decided authority relevant to Defendants' Motions to Dismiss the Amended Complaint (Docs. 94, 99) and Plaintiffs' Response in Opposition thereto (Doc. 110).

The subsequently decided authority is *United States v. Google LLC*, No. 20-CV-3010 (APM), 2023 WL 4999901, at \*2, \*16 (D.D.C. Aug. 4, 2023) (addressing whether agreements providing a supplier with a preferred distribution position in exchange for a

share of the resulting revenue may constitute *de facto* exclusive dealing). It is attached hereto as Exhibit A.

Dated: August 16, 2023

Respectfully submitted,

/s/ James H. Weingarten  
JAMES H. WEINGARTEN (DC Bar No. 985070)  
Deputy Chief Trial Counsel  
Federal Trade Commission  
Bureau of Competition  
600 Pennsylvania Avenue, NW  
Washington, DC 20580  
Telephone: (202) 326-3570  
Email: jweingarten@ftc.gov

JOSEPH R. BAKER  
WESLEY G. CARSON  
ELIZABETH A. GILLEN

*Attorneys for Plaintiff Federal Trade Commission*

/s/ Nicole S. Gordon  
NICOLE S. GORDON  
California Office of the Attorney General  
455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94610  
Telephone: (415) 510-4400  
Email: nicole.gordon@doj.ca.gov

*Attorney for Plaintiff State of California*

/s/ Conor J. May  
JAN M. ZAVISLAN  
Senior Counsel  
CONOR J. MAY  
Assistant Attorney General  
Colorado Department of Law  
Office of the Attorney General  
Ralph L. Carr Judicial Center  
1300 Broadway, 7th Floor  
Denver, CO 80203  
Telephone: (720) 508-6000  
Email: Jan.Zavislan@coag.gov  
Conor.May@coag.gov

*Attorneys for Plaintiff State of Colorado*

/s/ Paul J. Harper  
PAUL J. HARPER  
Assistant Attorney General, Antitrust  
Office of the Illinois Attorney General  
100 W. Randolph Street  
Chicago, IL 60601  
Telephone: (312) 814-3000  
Email: paul.harper@ilag.gov

*Attorney for Plaintiff State of Illinois*

/s/ Matthew Michaloski  
MATTHEW MICHALOSKI  
Deputy Attorney General  
SCOTT BARNHART  
Chief Counsel and Director of Consumer  
Protection  
Office of the Indiana Attorney General  
Indiana Government Center South – 5th Fl.  
302 W. Washington Street  
Indianapolis, IN 46204-2770  
Telephone: (317) 234-1479  
Email: matthew.michaloski@atg.in.gov  
scott.barnhart@atg.in.gov

*Attorneys for Plaintiff State of Indiana*

/s/ Noah Goerlitz

NOAH GOERLITZ

Assistant Attorney General

Office of the Iowa Attorney General

1305 E. Walnut St.

Des Moines, IA 50319

Telephone: (515) 725-1018

Email: noah.goerlitz@ag.iowa.gov

*Attorney for Plaintiff State of Iowa*

/s/ Katherine Moerke

KATHERINE MOERKE

JASON PLEGGENKUHLE

ELIZABETH ODETTE

Assistant Attorneys General

Office of the Minnesota Attorney General

445 Minnesota Street, Suite 1200

St. Paul, MN 55101-2130

Telephone: (651) 296-3353

Email: katherine.moerke@ag.state.mn.us

jason.pleggenkuhle@ag.state.mn.us

elizabeth.odette@ag.state.mn.us

*Attorneys for Plaintiff State of Minnesota*

/s/ Joseph M. Conrad

JOSEPH M. CONRAD

COLIN P. SNIDER

Office of the Attorney General of  
Nebraska

2115 State Capitol Building

Lincoln, NE 68509

Telephone: (402) 471-3840

Email: Joseph.Conrad@nebraska.gov

Colin.Snider@nebraska.gov

*Attorneys for Plaintiff State of Nebraska*

/s/ Timothy D. Smith

TIMOTHY D. SMITH

Senior Assistant Attorney General

Antitrust and False Claims Unit

Oregon Department of Justice

100 SW Market St

Portland, OR 97201

Telephone: (503) 934-4400

Email: tim.smith@doj.state.or.us

*Attorney for Plaintiff State of Oregon*

/s/ Hamilton Millwee  
HAMILTON MILLWEE  
Assistant Attorney General  
TATE BALL  
Assistant Attorney General  
Office of the Attorney General of  
Tennessee  
P.O. Box 20207  
Nashville, TN 37202  
Telephone: (615) 291-5922  
Email: Hamilton.Millwee@ag.tn.gov  
Tate.Ball@ag.tn.gov

*Attorneys for Plaintiff State of Tennessee*

/s/ Margaret Sharp  
BRENT WEBSTER  
First Assistant Attorney General  
GRANT DORFMAN  
Deputy First Assistant Attorney General  
SHAWN E. COWLES  
Deputy Attorney General for Civil Litigation  
JAMES LLOYD  
Chief, Antitrust Division  
TREVOR YOUNG  
Deputy Chief, Antitrust Division  
MARGARET SHARP  
WILLIAM SHIEBER  
Assistant Attorneys General  
Office of the Attorney General, State of  
Texas  
300 West 15th Street  
Austin, TX 78701  
Telephone: (512) 936-1674  
Email: Margaret.Sharp@oag.texas.gov

*Attorneys for Plaintiff State of Texas*

/s/ Luminita Nodit  
LUMINITA NODIT  
Lumi.Nodit@atg.wa.gov  
Assistant Attorney General,  
Antitrust Division  
Washington State Office  
of the Attorney General  
800 Fifth Ave., Suite 2000  
Seattle, WA 98104  
Tel: (206) 254-0568

*Attorney for Plaintiff State  
of Washington*

/s/ Laura E. McFarlane  
LAURA E. MCFARLANE  
Assistant Attorney General  
Wisconsin Department of Justice  
Post Office Box 7857  
Madison, WI 53707-7857  
Telephone: (608) 266-8911  
Email: mcfarlanele@doj.state.wi.us

*Attorney for Plaintiff State of Wisconsin*